

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

CHARLES EUGENE MOORE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:19-cv-1455-CLM-GMB
)	
D. ROBINSON, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM OPINION

The Magistrate Judge entered a report on May 26, 2021 recommending that all federal claims in this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. Doc. 13 at 9. The Magistrate Judge further recommended that the state-law negligence and intentional infliction of emotional distress claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). Doc. 13 at 9. Plaintiff Charles Eugene Moore has filed objections to the report and recommendation. Doc. 14.


Moore's objections are nothing more than a rehashing of the allegations in his complaint: that defendants Robinson and Norris refused to give him his breakfast tray even though all other inmates in his segregation unit were provided a breakfast tray. Doc. 14 at 1–2. As explained in the report and recommendation, these allegations do not state an actionable constitutional claim against Robinson and

Moore.¹ Doc. 13 at 5–8. And, with no viable federal claim, this court declines to exercise supplemental jurisdiction over Moore’s state-law tort claims of negligence and intentional infliction of emotional distress.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the Magistrate Judge’s report and **ACCEPTS** his recommendation. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), Moore’s federal claims are due to be dismissed without prejudice for failing to state a claim upon which relief can be granted. Additionally, Moore’s state-law claims are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c).

A Final Judgment will be entered.

DONE on September 3, 2021.



COREY L. MAZE
UNITED STATES DISTRICT JUDGE

¹ The court notes that though the report and recommendation states that Moore seeks only monetary relief and expungement of criminal records, Moore’s complaint also asks the court to enter a preliminary injunction. *See* Doc. 1 at 4. As detailed in the report and recommendation, Moore’s complaint alleges only one isolated incident of prison officials refusing to provide him a breakfast tray. And Moore has not plausibly alleged that officials will likely deny him a breakfast tray in the future. So Moore lacks standing to bring claims for injunctive relief. *See 31 Foster Children v. Bush*, 329 F.3d 1255, 1265–66 (11th Cir. 2003).